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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,500	04/06/2001	Dino J. Pionzio JR.	11577-004001	6827

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT PAPER NUMBER

2857

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,500

Applicant(s)

PIONZIO ET AL.

Examiner

Patrick J Assouad

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Second Wind Inc.**, "Know your Windfarm with the Second Wind system", 1995, in view of **Cohn et al.**, "Final Report: Innovative Subsystems Project," , Second Wind Inc., 1999.

3. **Second Wind Inc.** sells a SCADA (Supervisory Control and Data Acquisition) system for modern wind energy facilities. It is "based on a flexible network of CTMs (Communicating Turbine Monitors) located at each site's wind turbines, meteorological towers, and electric distribution gear. [emphasis added]" **Second Wind Inc.** substantially discloses the instant claimed invention; however, it lacks explicit technical details because the reference appears to be an advertising brochure.

4. **Cohn et al.** fills in some of the missing technical details. They have published a report on the development of their Second Wind System which initially it seems was called the Advanced Distributed Monitoring System (ADMS).

Art Unit: 2857

5. Figure 2-1 of **Cohn et al.** is a block diagram of their system. It clearly shows the interconnected wind turbines, turbine controllers or processing units, electrical switchgear/substations/transformers, numerous communication interfaces, numerous sensors, etc. Note that the Supervisor "is a software package installed on a dedicated PC computer that collects and displays past and present data, performs supervisory control, produces graphs and reports, and handles requests from remote computers" (pg. 8). Also note that "remote viewing and operation of Supervisor are available password-protected options using remote communications software..." (pg. 17) and that **Cohn et al.** recently switched to "Laplink" for remote communication software. Database management is discussed on pg. 13 and elsewhere. Example GUI screen shots are also seen in **Cohn et al.** See e.g. Fig. 3-2, 3-6, 3-7, etc. Also note that the communications network (see pg. 33 of Cohn et al. or the Brochure) may be implemented in a variety of ways including radio, cellular telephone, fiber optics, etc.

6. Note: the instant claimed invention distinguishes between the substation processing unit (SPU) and the meteorological processing unit (MPU) and the turbine processing unit (TPU). The Examiner believes that the CTMs of the Second Wind System are comparable and interchangeable with the instant claimed system elements as demonstrated by the **Second Wind Inc.** brochure and the block diagram of Figure 2-1 of **Cohn et al.**

Art Unit: 2857

7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the *technical details* of the Final Report of Second Wind Inc. by **Cohn et al.** and the Brochure from the **Second Wind Inc.** because such a combination provides a system for "maximizing wind energy production and revenue...and helps [one] manage people and resources effectively, keeping costs down" (see Brochure).

Conclusion

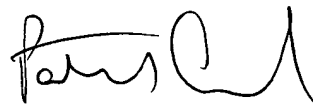
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Assouad whose telephone number is 703-305-3811. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Art Unit: 2857

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Patrick J Assouad
Primary Examiner
Art Unit 2857

pja
July 30, 2003